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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,653	08/21/2003	Susumu Kusakabe	113235-006	9927
29175	7590	05/11/2006	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			NGUYEN, THAN VINH	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
10/646,653	KUSAKABE ET AL.	
Examiner	Art Unit	
Than Nguyen	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/3/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/029,170.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a response to the amendment, filed 3/3/06.
2. Claims 1-15 have been canceled. Claims 16-27 are added.

Response to Amendment & Arguments

3. Applicant has canceled all previous claims 1-15 and added new claims 16-27. Although the new claims are similar in scope to the previous claims, they are not identical to the previous claims. They do not reduce prosecution issues but introduce new problems (see 35 USC 112 and objections). The new claims are addressed below.

4. Applicant's arguments filed 3/3/06 have been fully considered but they are not persuasive. Applicant argues Watanabe the second area, within an unused portion of the first area, and allocated based on the actual size of the information stored. The Examiner disagrees. Watanabe (4,734,568 for example) teaches a memory section including a first area for storing data of at least one user (entire memory; Fig. 3) and a second area set in an unused area of the first area (index memory area is within memory; Fig. 4), said second area used by said at least one user stored in the first area and stores memory storage allocation information of the memory. The second area stores record length and maximum of records information indicative of the number of bytes and records assigned to the memory area (3/30-47). This information are the result of allocating memory space knowing the size of memory required to hold the data to be stored in that memory. Thus, the data stored in the second area of Watanabe corresponds directly with the claimed limitations of allocating and storing data based on the actual size of information to be stored since the length and records information of Watanabe correspond to the

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amount of data to be stored in the memory (3/40-47). The Examiner maintains that Watanabe teaches the memory section, as fully claimed.

5. Applicant argues Watanabe (4,849,614) does not teach the claimed a memory section. The Examiner disagrees. Watanabe teaches a first area managed by a block unit where the block unit includes a plurality of blocks that include a first block number and a second block number (index area include a plurality of blocks; Fig. 3), said first and second block numbers reflecting the size of the memory area associated with each user based on the actual amount of information stored for each user (index information comprises record length and number of record associated with each user; Fig. 3; 7/55-60). Thus, the information stored in the index area of Watanabe contains all of the claimed information associated with the user. The Examiner maintains that Watanabe teaches the memory section, as fully claimed in claims 1,2,4-8, and 10-14.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 16 recites the limitation "the actual amount of information to be stored" in lines 6 and 19. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 18,21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "is processed by referring two or more blocks" is vague. It is unclear as how this "referring" limitation satisfies the function of processing the command.

9. Claim 20 recites the limitation "the actual amount of information to be stored" in lines 7 and 19. There is insufficient antecedent basis for this limitation in the claim.

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10. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "from two or more the at least one user" is vague and unclear. Applicant should rephrase this language.

11. Claim 25 recites the limitation "the actual amount of information to be stored" in lines 8 and 17. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 26 recites the limitation "the actual amount of information to be stored" in lines 10 and 16. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is dependent upon itself. Applicant must correct its dependency.

14. Dependent claims 17-19, 21-24, and 27 are also rejected for incorporating the deficiencies of the parent claim.

Claim Objections

15. Claim 25 is objected to because of the following informalities: (line 10) Remove the “;” (semicolon) after “size”. Appropriate correction is required.

Specification

16. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method and Apparatus for Dynamically Allocating User Memory.

Claim Rejections - 35 USC § 102

17. Claims 16-27 are rejected under 35 U.S.C. 102b as being anticipated by Watanabe et al (US 4,734,568).

18. As to claim 16,20,25,26:

Watanabe teaches a composite IC card. Watanabe teaches the claimed information apparatus/method for:

receiving a command from a predetermined user (Fig. 12, command input 103);
processing the command from the predetermined user by utilizing a memory that includes:

a first area for storing data related to at least one user (entire memory; Fig. 3);

and

a second area allocated, based on the actual amount of information to be stored, within an unused portion of the first area (index area contain access rights information; Fig. 4,5; 3/20-4/34);

wherein the second area is utilized by the at least one user stored in said first area (index area is within first area/entire memory; Fig. 3),

wherein the second area is managed in a block unit having a predetermined size that stores a plurality of data that respectively prescribes different access rights to each of the at least one user stored in the first area, wherein the block unit includes a plurality of blocks that include:

a first block number; and a second block number; wherein the first and second block numbers reflect the size of the memory area associated with each user based on the

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actual amount of information stored for each user (allocating/assigning space based on size required to record data; Fig. 5; 3/31-48); and
transmitting results of said processing (response read/write output; Fig. 12).

19. As to claim 17:

Watanabe teaches an unused area is assigned to the first area (Fig. 3).

20. As to claim 18,21,23,27:

Watanabe teaches processing the command by referring two or more data blocks of different access rights (a security level can have multiple access areas; 1/60-65; 3/67-4/5).

As to claim 19,22:

Watanabe teaches the second area includes a common area accessible by two or more users.
(areas in which multiple security levels can access; 4/1-30).

21. As to claim 24:

Watanabe teaches access right data is either read/write data OR read-only data (4/35-40).

22. Claims 16-27 are rejected under 35 U.S.C. 102b as being anticipated by Watanabe et al (US 4,849,614).

23. As to claim 16,20,25,26:

Watanabe teaches a composite IC card. Watanabe teaches the claimed information apparatus/method for:

receiving a command from a predetermined user (Fig. 5, command input 107);
processing the command from the predetermined user by utilizing a memory that
includes:

a first area for storing data related to at least one user (entire memory; Fig. 1);
and
a second area allocated, based on the actual amount of information to be stored,
within an unused portion of the first area (code area contain access rights
information; Fig. 1,3; 3/62-4/10; 5/50-6/40);
wherein the second area is utilized by the at least one user stored in said first area
(index area is within first area/entire memory; Fig. 1,3),
wherein the second area is managed in a block unit having a predetermined size
that stores a plurality of data that respectively prescribes different access rights to
each of the at least one user stored in the first area (access rights information; Fig.
1,3; 3/62-4/10; 5/50-6/40); wherein the block unit includes a plurality of blocks
that include:

a first block number; and a second block number; wherein the first and second block
numbers reflect the size of the memory area associated with each user based on the actual
amount of information stored for each user (index area has an area to define the size/length of the
assigned areas; Fig. 3; 7/55-64); and

transmitting results of said processing (response output; Fig. 5, step 09).

24. As to claim 17:

Watanabe teaches an unused area is assigned to the first area (Fig. 1).

25. As to claim 18,21,23,27:

Watanabe teaches processing the command by referring two or more data blocks of different
access rights (areas accessed determined by security level; 6/56-7/22).

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26. As to claim 19,22:

Watanabe teaches the second area includes a common area accessible by two or more users (shared area; 5/40-45).

27. As to claim 24:

Watanabe teaches access right data is either read/write data OR read-only data (read/write access data; Fig. 3).

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Than Nguyen
Primary Examiner
Art Unit 2187